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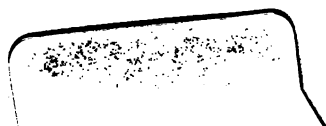
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STANDING

RULES AND ORDERS,

AND

Forms of Proceeding,

OF THE

LEGISLATIVE COUNCIL.

Tasmania's Leg Co



Tasmania:

JAMES BARNARD, GOVERNMENT PRINTER.

1875.

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CORRIGENDA.

In marginal notes to Nos. 6 and 7, page 2, for "Speech," read "Address;" to No. 215, for "or," read "and,"

T A S M A N I A.



1874.

LEGISLATIVE COUNCIL.

ANNO TRICESIMO-OCTAVO

VICTORIÆ REGINÆ.

Standing Rules and Orders, and Forms
of Proceeding.

[*Approved, September 17, 1874.*]

I. OPENING OF PARLIAMENT.

1. THE Council being met at the time and place appointed, the Governor's Proclamation shall be read by the Clerk. Proclamation to be read.

2. At the opening of every Session of Parliament, the Lord's Prayer shall be offered up by the President before any business is proceeded with. Prayer.

3. Before the Governor's Speech is reported to the Council by the President, some Bill shall be read a first time *pro forma*. Bill to be read *pro forma*.

Report of
Speech.

4. The President shall then report the Governor's (or Commissioners') Speech, which he shall read to the Council.

Address in
reply.

5. The Speech being read, a Motion for an Address to His Excellency the Governor in reply to the same shall be made and seconded.

Committee
to prepare
Speech.

Admrs

6. The Resolution for presenting such Address being agreed to, with or without Amendments, a Select Committee shall be appointed to draw up the Address, and His Excellency's Speech shall be referred to the said Select Committee.

Presentation
of Speech

Admrs

7. The Address, having been reported and agreed to, with or without Amendments, shall be ordered to be presented by the President, accompanied by the Mover and Seconder and so many of the Members as think proper to attend, at such time and place as the Governor may appoint.

II. ELECTION OF PRESIDENT.

A Member
proposed.

8. When the Council proceeds to elect a President, a Member, addressing himself to the Clerk, (who, standing up, shall point to him, and then sit down), shall propose another Member then present to the Council for its President, and shall move that such Member "do take the Chair of this Council as President."

Called to the
Chair.

9. Such Motion, being seconded and supported, if no other Member be proposed as

President, the Member so proposed shall be *called* by the Council to the Chair without any Question being put.

10. The Member, on being called to the Chair, shall stand up in his place and express his sense of the honor proposed to be conferred upon him, and submit himself to the Council. Submits himself to the Council.

11. Being again unanimously called to the Chair, he shall be taken out of his place by the Members who proposed and seconded his election, and conducted to the Chair. Conducted to the Chair.

12. If two or more Members be proposed, a similar Motion shall be made and seconded in regard to each, and the Members so proposed shall severally submit themselves to the Council. When two or more Members proposed.

13. The Clerk shall then put the Question, that the Member first proposed "do take the Chair of the Council as President;" and if that Question be negatived, he shall then put the Question in regard to the next Candidate. Question—how put.

14. In the event of there being more than two Candidates for the Presidency, the votes shall be taken for each separately. The Candidate who has the smallest number of votes shall be withdrawn, and the votes shall be taken for the remaining Candidates separately; the Candidate who has the smallest number of votes being again withdrawn, and so on until the number of Candidates has been reduced to two. The Member then elected shall be conducted to the Chair. In the case of an equality of votes, the Mode of proceeding when more than two Candidates.

Member who has sat the shortest time in the Council shall be withdrawn. In computing the time for which a Member has sat, the whole period of his consecutive service as a Member of the Council shall be calculated, irrespective of any interruption caused by his retirement by effluxion of time and immediate re-election.

President elect makes acknowledgements.

15. Having been conducted to the Chair, the President elect, standing on the upper step, shall return his humble acknowledgements to the Council for the great honor which it has been pleased to confer upon him, and thereupon sit down in the Chair.

Election to be notified to the Governor.

16. The Election of the President shall be notified to the Governor by a Deputation of the Council. (18 Vict. No. 17, sect. 8.)

III. SITTING AND ADJOURNMENT OF THE COUNCIL.

Time of ordinary Meeting.

17. The time for the ordinary Meeting of the Council shall be Four o'clock.

When no quorum before business.

18. If at the expiration of half an hour after Four o'clock, or any other time which may have been appointed for the Meeting of the Council, Seven Members, including the President, be not present, the President shall count the Council, and if there be not Seven Members then present, shall adjourn the Council, without a Question first put, until the next ordinary time of sitting.

ATTENDANCE AND PLACES OF MEMBERS. 5

19. At any time after the Council has proceeded to business, if it appear on notice being taken by any Member, or on the Report by the Tellers of a division of the Council, or upon the Report of the Chairman of Committees of the whole Council, that Seven Members, including the President, are not present, the President shall adjourn the Council, without a question first put, until the next ordinary time of sitting.

When no quorum after business.

20. The Division Bell shall be rung and kept ringing for two minutes before the President proceeds to count the Council.

Before counting, Bell to be rung.

21. Except in the cases mentioned in Nos. 18 and 19, when the President adjourns the Council without putting any question, the Council can only be adjourned by its own Resolution.

Council adjourned on its own Resolution.

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IV. ATTENDANCE AND PLACES OF MEMBERS.

22. Every Member shall attend the service of the Council unless leave of absence be given to him by the Council.

Attendance of Members obligatory.

23. Leave of absence may be given by the Council to any Member on account of his own illness, or of the illness or death of a near relation, or of urgent business, or for other sufficient cause to be stated to the Council.

Leave of absence.

6 ATTENDANCE AND PLACES OF MEMBERS.

**Leave
excuses from
service.**

24. A Member shall be excused from service in the Council, or on any Committee, so long as he has leave of absence.

**Leave
forfeited by
attendance.**

25. Any Member having leave of absence shall forfeit the same by attending the service of the Council before the expiration of such leave.

**Council—
how called
over.**

26. When the Council is called over, the names of the Members shall be called by the Clerk in the order in which they stand on the Members' Roll. The names of all Members who do not answer when called shall be taken down by the Clerk and subsequently called over a second time, when those who answer, or afterwards attend in their places on the same day, may be excused.

**Members
ordered to
attend.**

27. Members not attending in their places on the same day, may be ordered to attend on a future day; when, unless they attend, or a reasonable excuse be offered for their absence, they shall be dealt with for their default as the Council may think fit.

**Seven days
before Call.**

28. No order for a Call of the House shall be made for any earlier period than Seven days from the date of such order.

**Notice to be
forwarded to
Members.**

29. Notice of a Call of the Council shall be forwarded by the Clerk to each Member of the Council.

**Call to be
Order of
Day.**

30. The Order for calling over the Council on a future day shall be set down as an Order of the Day for the day so appointed.

ORDER AND CONDUCT OF BUSINESS. 7

31. Every Member shall be uncovered when he enters or leaves the Council, or moves to any other part of it during a debate, and shall make obeisance to the Chair in passing to and from his seat. Entering or leaving, &c. the Council.

32. No Member shall pass between the Chair and any Member who is speaking, or between the Chair and the Table. Members not to pass between Chair, &c.

33. Every Member of the Council when he comes into the Council shall take his place, and shall not stand in any of the passages or gangways. To take their places.

34. No Member shall read any Newspaper, Book, or Letter in his place, unless when addressing the Chair, or for purposes relating to the business of the Council. Not to read Newspapers, &c.

35. A Member returned on a new Writ shall be introduced to the Council by two Members. When introduced.

36. Members seated on Petition shall not be introduced. When not introduced.

V. ORDER AND CONDUCT OF BUSINESS.

37. In all cases not specially provided for by the Standing Rules and Orders of the Council, or by Sessional or other Orders, resort shall be had to the Rules, Forms, and Usages of the Commons House of the Imperial Parliament, House of Commons' Rules adopted.

which shall be followed so far as the same can apply to the Proceedings of the Council.

**Absence of
President.**

38. Whenever the Council shall be informed by the Clerk at the Table of the unavoidable absence of the President, the Chairman of Committees, so long as the President shall be absent, shall perform the duties and exercise the authority of President in relation to all Proceedings of the Council as Deputy-President, but shall give place to the President on his arrival; provided that if the Council shall adjourn for more than twenty-four hours, the Deputy-President shall continue to perform the duties and exercise the authority of President for Twenty-four hours only after such adjournment.

**Order of
Business.**

39. The Council shall proceed each day with—

1. Petitions.
2. Notices of Motion.
3. Motions and Orders of the Day,

in the order in which they are set down in the Notice Paper, unless it shall be otherwise ordered by the Council.

**Government
Business.**

40. On days fixed for the consideration of Government Business, matters relating thereto shall take precedence of all other business.

VI. PETITIONS.

**When to be
presented.**

41. Petitions shall not be presented after the Council has proceeded to the Notices of Motion

or Orders of the Day unless they relate to any Order of the Day, or to the subject matter of any Motion appointed for consideration, in which case they may be presented when such Order of the Day is read, or such Motion called on.

42. Every Member presenting a Petition shall sign his name at the beginning thereof. Member to attach his name.

43. Every Petition must contain a prayer. Petition must contain prayer.

44. Every Petition must be fairly written, printed, or lithographed, and in the English language. May be written or printed, &c.

45. Every Petition must be signed by at least one person on the skin or sheet on which the Petition is written or printed. Must have one signature.

46. Every Petition must be signed by the parties whose names are appended thereto by their signatures or marks, and by no one else, except in case of incapacity by sickness or otherwise. Must be signed by Petitioners themselves.

47. The signatures must be written upon the Petition itself, and not pasted upon it or otherwise transferred thereto. Signatures must be written, not attached.

48. Petitions of Corporations aggregate must be under their Common Seal. Petitions of Corporations.

49. A Petition signed by the Chairman of a Public Meeting on behalf of such Meeting shall be received as the Petition of the person signing it only. Of Chairman of Public Meeting.

No documents to be attached.

50. No letters, affidavits, or other documents may be attached to any Petition unless such Petition relates to a Private Bill.

No reference to Debates, &c.

51. No reference may be made in a Petition to any Debate in Parliament, or to any intended Motion if merely announced in Debate.

Applications for Grants of Public Money, &c.

52. No application may be made by a Petition for any grant of Public Money, or for compounding any Debts due to the Crown, or for the remission of Duties or other charges payable by any person, unless it be recommended by the Crown.

For compensation for losses by Bills.

53. Petitions praying that provision may be made for the compensation of the Petitioners for losses contingent upon the passing of Bills pending may be received.

Must be respectful.

54. Every Petition must be respectful, decorous, and temperate in its language, and free from any disrespectful reference to the Sovereign or the Governor, or offensive imputations upon the character or conduct of either House of Parliament, or the Courts of Justice, or other tribunal or constituted authority.

Member responsible for contents.

55. Every Member presenting a Petition shall acquaint himself previously with its contents, and shall take care that they are in conformity to the Rules and Orders of the Council.

Particulars to be stated on presentation.

56. Every Member presenting a Petition (not being one relating to a Private Bill) shall state merely from what party it comes,—how many

signatures are attached to it,—what are its material allegations,—and what is its prayer.

57. Petitions shall be presented to the Council only by a Member. To be presented only by Members.

58. A Member shall not present a Petition from himself. Member not to present his own Petition.

59. When a Petition is presented, it shall be read by the Clerk at the Table without a Question first put; after which a Question shall be put, “that the Petition be received;” but no other Question relating to such Petition shall be then entertained. Proceedings on presentation.

60. In the case of a Petition complaining of some present personal grievance for which there may be an urgent necessity for providing an immediate remedy, the matter contained in such Petition may be taken into consideration on presentation thereof. Urgent Petitions.

61. Subject to the foregoing Regulations, Petitions against any Resolution or Bill imposing a Tax or Duty for the service of the current year may be received. Petitions against Taxes, &c. may be received.

62. A Motion for the printing of a Petition shall not be made except in accordance with notice previously given. Printing of Petitions—notice,

VII. NOTICES OF MOTION.

Pair copy to be delivered. 63. Every Member giving Notice of a Motion shall deliver to the Clerk at the Table a copy of such Motion, fairly written or printed, together with his name and the day on which he proposes to bring it forward.

Given by proxy. 64. A Member may give Notice of Motion for any other Member.

To be printed with Votes. 65. Every Notice of Motion shall be printed and circulated with the Votes and Proceedings.

Improper Notices expunged. 66. Any Notice containing unbecoming expressions will be liable to be expunged from the Notice Paper.

Terms or time may be altered. 67. After a Notice of Motion has been given, the terms thereof, or the day for bringing it on, may be altered by the Member on delivering at the Table an amended Notice.

No discussion except as to day. 68. No discussion shall take place on a Notice of Motion except with reference to the day on which the Motion shall be made.

May not be anticipated. 69. A Notice of Motion, having been given for a certain day, may be postponed to a later, but shall not be brought on on an earlier day.

Not to be given after Orders of the Day. 70. No Notice of Motion shall be received after the Council has proceeded to the Orders of the Day, unless with the leave of the Council.

71. A Notice of Motion may not be given Nor for same day.
for the same day.

72. Notices of Motion shall be set down on Order on Notice Paper.
the Notice Paper in the order in which they
shall have been given, subject to Rule 40.

73. Notices of Motion which have dropped Dropped Notices.
by the adjournment of the Council shall be set
down in the Notice Paper for the next sitting
day, after the other Notices for that day.

74. A Notice of Motion which has lapsed by Lapsed Notices.
the absence of a Member when his name is
called shall be removed from the Notice Paper,
but, may be restored by the Notice being
renewed.

75. No Member shall make any Motion, No Motion, unless formal, without Notice.
initiating a subject for discussion, except in
pursuance of Notice.

VIII. MOTIONS.

76. Motions for the printing or consideration Printing of Papers without notice.
of Papers (except Petitions) may be made on
the presentation of such Papers, without notice.

77. Motions shall take precedence of Orders Order of Motions.
of the Day, (except on those days on which
Government business has precedence), and be
moved in the order in which they stand on the
Notice Paper.

Affecting
Privilege,
precedence,
when urgent.

78. An urgent Motion, directly concerning the privileges of the Council, may be made without notice, and shall have precedence of all other Motions, as well as of Orders of the Day.

Precedence,
when de-
ferred.

79. Motions affecting the privileges of the Council, when not at once disposed of, but appointed for consideration on a future day, shall stand first on the Notice Paper for that day.

Motions by
leave.

80. A Motion may be made by leave of the Council without Notice; provided that no Member objects thereto.

Not
seconded.

81. Any Motion not seconded (if not necessarily relating to an Order of the Day, or not being made in Committee of the whole Council) shall lapse, and no entry thereof shall be made in the Votes and Proceedings.

Withdrawn.

82. A Member who has made a Motion may withdraw the same by leave of the Council, such leave being granted without any negative voice.

Motions
withdrawn
may be made
again.

83. A Motion which has been withdrawn by leave of the Council may be made again in the same Session.

Not to be
withdrawn in
absence of
Proposer.

84. A Motion shall not be withdrawn in the absence of the Member who made it.

Amendment
withdrawn,
&c. before
original
Motion.

85. When an Amendment has been proposed to a Question, the original Motion shall not be withdrawn until the Amendment has been withdrawn or negatived.

IX. ORDERS OF THE DAY.

86. An Order of the Day is a Bill or other Definition.
matter which the Council has ordered to be taken
into consideration, or done, on a particular day.

87. The Orders of the Day shall be disposed of Rotation.
in the order in which they stand upon the Notice
Paper, the right being reserved to the Ministers
of placing Government Orders at the head of
the List, in the rotation in which they are to
be taken, on the days on which Government
Business has precedence.

88. The President shall direct the Clerk to To be read
without
Question
put.
read the Orders of the Day, without any Ques-
tion first put.

89. All Orders of the Day which may have Dropped
Orders.
dropped by the adjournment of the Council
before they may have been called on, shall be
set down on the Notice Paper after the Orders
of the Day for the next day on which the
Council may sit.

90. When an Order of the Day, having been Lapsed, by
adjourn-
ment.
read and proceeded with, is superseded by the
adjournment of the Council before it is disposed
of, it shall be removed from the Notice Paper
but may be revived on a fresh Notice being
given.

91. An Order of the Day may be moved Need not be
seconded.
without a Seconder.

X. QUESTIONS.

Question
proposed.

92. When a Motion has been made and seconded, a Question thereupon shall be proposed to the Council by the President.

Irregular,
not put.

93. If a Motion or Amendment be irregular, or out of Order, the Question thereupon shall not be put by the President.

Question
put, and
again stated.

94. A Debate being closed, the President shall put the Question to the Council; and if the same shall not be heard, shall again state it.

Determined
by majority
of voices.

95. A Question being put, shall be resolved by the majority of voices—Aye or No.

President
declares
majority.

96. The President shall state whether in his opinion the Ayes or Noes have it; but on the demand of any Member the Question shall be determined by a Division.

Same
Question not
to be again
proposed.

97. No Question or Amendment shall be proposed which is the same in substance as any Question which, during the same Session, has been resolved in the Affirmative or Negative.

Question
divided.

98. The Council may order a complicated Question to be divided.

Question
superseded.

99. A Question may be superseded, 1. By the Adjournment of the Council either on the Motion of a Member, or by notice being taken and it appearing that Seven Members are not present; 2. By a Resolution of the Council to *proceed to some other business*; 3. By Amend-

ments; 4. By the Previous Question, "That this Question be *now* put," being moved and negatived.

100. The Motion for Adjournment to supersede a Question shall be simply, "That the Council do now adjourn."

Motion for Adjournment to supersede.

101. The Previous Question having been proposed, no Amendment of the Main Question shall be entertained unless the Previous Question has been withdrawn.

Previous Question precludes Amendment.

102. The Previous Question having been resolved in the affirmative, the Main Question shall be at once put, without Amendment or further Debate.

Previous Question affirmed.

103. No Amendment shall be offered to the Previous Question, but such Question may be superseded by the Adjournment of the Council.

Not to be amended, but may be superseded by Adjournment.

104. The Previous Question shall not be moved upon an Amendment, nor in a Committee of the whole Council.

Not to be moved upon Amendment, or in Committee.

105. A Debate upon the Previous Question may be adjourned.

Debate upon Previous Question may be adjourned.

106. A Motion for reading the Orders of the Day or passing to some other business having been made and negatived, a Motion for the Previous Question shall not be entertained.

When Previous Question not to be moved.

107. Whenever the Previous Question shall be proposed upon any Question consisting of a

When Previous Question

proposed on
series of Res-
olutions.

series of Resolutions, which have been brought under discussion or debate as one Motion, with the understanding that the Question be put on such Resolutions *seriatim*, the decision of the Previous Question before putting the Question on the first of such Resolutions shall be conclusive, whether in the affirmative or negative, as regards the whole of such Resolutions.

Questions to
Ministers or
private
Members.

108. A Member may put any Question of which Notice may have been given to a Minister of the Crown relating to public affairs; and to other Members relating to any Bill, Motion, or other public matter connected with the business of the Council in which such Members may be concerned.

No Debate
on putting
Questions.

109. In putting any such Question, no argument or opinion shall be offered, nor any fact stated, except so far as may be necessary to explain such Question.

Nor on
answering.

110. In answering any such Question, a Member shall not debate the matter to which the Question refers.

XI. AMENDMENTS TO QUESTIONS.

Forms of
Amendment.

111. A Question having been proposed, may be amended by leaving out certain words only; by leaving out certain words in order to insert or add other words; or by inserting or *adding* words.

112. An Amendment proposed but not seconded shall not be entertained by the Council, nor entered in the Votes and Proceedings.

Amendments to be seconded.

113. When the proposed Amendment is to leave out certain words, the President shall put a Question, "That the words proposed to be left out stand part of the Question," to be resolved by the Council in the Affirmative or Negative, as the case may be.

Amendment to leave out words.

114. When the proposed Amendment is to leave out certain words in order to insert or add other words, the President shall put a Question, "That the words proposed to be left out stand part of the Question;" which if resolved in the Affirmative will dispose of the Amendment; but if in the Negative, another Question shall be put, "That the words of the Amendment be inserted or added instead thereof," which will be resolved in the Affirmative or Negative, as the case may be.

To substitute words.

115. When the proposed Amendment is to insert or add certain words, the President shall put a Question, "That such words be inserted or added;" which will be resolved in the Affirmative or Negative, as the case may be.

To insert or add words.

116. No Amendment may be proposed in any part of a Question after a later part has been amended, or has been proposed to be amended, unless such proposed Amendment has been by leave of the Council withdrawn.

No Amendment when later part of Question amended;

117. No Amendment shall be made to any

Not to words

already
agreed to.

words which the Council has resolved shall stand part of a Question, except that of adding other words thereto. But such exception shall not apply to Questions relating to Bills.

Amendments
may be with-
drawn.

118. A proposed Amendment may, by leave of the Council, be withdrawn.

Original
Question
put.

119. When Amendments have been proposed but not made, the Question shall be put as originally proposed, unless other Amendments be again offered.

Question, as
amended,
put.

120. When Amendments have been made, the main Question, as amended, shall be put.

Order in
which
Amendments
to be put.

121. When several Amendments have been proposed to be made to a Question, they shall be put singly, in the order in which, if agreed to, they would stand in the amended Question.

When
Amendment
moved,
Original
Motion can-
not be varied.

122. When a Member has made a Motion to which an Amendment is moved, he shall not substitute another Motion until the Amendment to the original Motion has been withdrawn.

Amendments
to Amend-
ments.

123. Amendments may be proposed to a proposed Amendment whenever it comes to a Question whether the Council shall agree to such proposed Amendment.

Amendment
dealt with as
if Main
Question.

124. Where the original Amendment is either simply to insert, add, or omit words, an Amendment may at once be proposed to it, without reference to the Question itself, which will be

dealt with when the Amendments have been disposed of.

125. An Amendment to a Question relating to an Order of the Day must be relevant to such Question. Amendment to Order of the Day.

126. No Amendment shall be moved to the Question, "That this Council do now adjourn." "Now adjourn"—No Amendment.

127. The only Amendment which may be moved to the Question for adjourning the Council to a stated time, is that the Council do adjourn until some other day. What Amendment to Question for Adjournment.

XII. RULES OF DEBATE.

128. By the special indulgence of the Council, a Member, unable conveniently to stand by reason of sickness or infirmity, may be permitted to speak sitting and uncovered. Members sick, &c. may speak sitting.

129. No Member may speak to any Question after the same has been put by the President, and the Voices have been given in the Affirmative and Negative thereon. No speaking after voices taken.

130. When two or three Members rise to speak, the President shall call upon the Member who first rose in his place. President to call upon Member to speak.

131. A Motion may be made that any Member who has risen "be now heard" or "do now speak." Motion that Member be heard.

When Member may speak.

132. A Member may speak to any Question before the Council, or upon a Question or Amendment to be proposed by himself, or upon a Question of Order arising out of the Debate, but not otherwise.

Personal explanation when no Question;

133. By the indulgence of the Council a Member may explain matters of a personal nature although there be no Question before the Council, but such matters may not be debated.

When already spoken.

134. A Member who has spoken to a Question may be heard to explain himself in regard to some material part of his speech, but shall not introduce any new matter.

Members not to speak twice.

135. No Member shall speak twice to the same Question, except in explanation or in Committees of the whole Council.

Reply--when allowed.

136. A reply shall be allowed to a Member who has made a substantive Motion or moved an Order of the Day; but not to a Member who has moved an Amendment, an Instruction to a Committee, or the previous Question, or the adjournment of the Council, or the adjournment of the Debate to supersede a Question.

Member not to interrupt another.

137. No Member shall interrupt another while addressing the Council, except for the purpose of making personal explanation.

Speaking to Order or Privilege.

138. Any Member may rise to speak to Order, or upon a matter of Privilege suddenly arising.

139. Upon a Question of Order being raised the Member called to Order shall resume his seat; and immediately after the Question of Order has been stated to the President by the Member rising to the Question of Order, the President shall give his opinion thereon without further discussion : but it shall be competent for any Member to take the sense of the Council after the President has given his opinion, and in that case any Member may address the Council upon the Question.

Question of Order—how dealt with.

140. No Member shall allude, except in general terms, to any Debate of the Session upon a Question that has been disposed of by the Council during the same Session, except by the indulgence of the Council by way of personal explanation.

No allusion to Debates of the same Session.

141. No Member shall read from a printed Newspaper or Book the report of any speech made in Parliament during the same Session.

Reports of Speeches of same Session not to be read.

142. No Member shall reflect upon any Vote of the Council except for the purpose of moving that such Vote be rescinded.

Reflections upon Votes of the Council.

143. A Member shall not allude to any Debate in the other House of Parliament; but he may refer to the Reports of Committees or other printed papers of that House.

Allusion to Debates in the House of Assembly.

144. No Member shall use the name of Her Majesty or the Governor irreverently in Debate, or for the purpose of influencing the Council in its deliberations.

Improper use of Queen's or Governor's name.

Offensive
words
against
Parliament.

145. No Member shall use offensive words against either House of Parliament; or against any Statute, unless for the purpose of moving for its repeal.

No Member
to name
another.

146. No Member shall refer to another by name.

Offensive
words
against
Member.

147. No Member shall use unbecoming or offensive words in reference to any other Member of the Council.

Reference to
previous
Debate, per-
sonal reflec-
tions, &c.

148. No Member shall digress from the subject matter under discussion, or comment upon expressions used by any other Member in a previous Debate; and all imputations of improper motives, and all personal reflections, shall be deemed highly disorderly.

Words taken
down—in
the Council;

149. When any Member objects to words used in Debate, and stating them, desires them to be taken down, the President, if it appears to be the pleasure of the Council, shall direct them to be taken down by the Clerk accordingly.

In Com-
mittee.

150. In a Committee of the whole Council the Chairman, if it appears to be the pleasure of the Committee, will direct words objected to to be taken down in order that the same may be reported to the Council.

To be taken
down imme-
diately.

151. Every such objection shall be taken at the time when such words are used, and not after any other Member has spoken.

Members not

152. Any Member having used objectionable

~~words and not explaining or retracting the same,~~ explaining or retracting.
~~or offering apologies for the use thereof to the~~
~~satisfaction of the Council, shall be censured or~~
~~otherwise dealt with as the Council may think~~
~~fit.~~

153. Members shall not be permitted to pro- Quarrels not
 secute any quarrel between Members arising to be pro-
~~out of Debates or Proceedings of the Council,~~ secuted.
~~or any Committee thereof.~~

154. No Member shall make any noise or dis- No distur-
 turbance whilst any Member is orderly debating, bance while
~~or whilst any Bill, Order, or other matter is~~ Members
~~being read or opened; and in case of such noise~~ speaking.
~~or disturbance the President shall call by name~~
 upon the Member making such disturbance, and
 every such Member will incur the displeasure
 and censure of the Council.

155. Order shall be maintained in the Council Disorder in
 by the President, and in a Committee of the Committee
~~whole Council by the Chairman of such Com-~~ to be re-
~~mittee; but if any disorder arise in Committee,~~ ported to
~~the Chairman shall report the same to the~~ Council.
 Council.

156. Whenever the President rises to speak When Pres-
 during a Debate, any Member then speaking ident speaks,
~~or offering to speak shall sit down, and the Pre-~~ Member
~~sident shall be heard without interruption.~~ speaking to
 sit down.

157. Every Member against whom any Member to
 charge has been made, having been heard in his withdraw
 place, shall withdraw while such charge is under while con-
 deliberation. duct under
 deliberation.

Adjourn-
ment of
Debate.

158. A Debate may be adjourned to a later hour on the same day, or to any other day.

Precedence
of adjourned
Debate on
Privilege.

159. An adjourned Debate on a Question relating to the privileges of the Council shall stand first on the Notice Paper for the day of adjournment.

Debate being
resumed,
Members not
to speak
again.

160. When a Debate is adjourned, no Member who has spoken to a Question may speak again to the same Question when the Debate is resumed.

May speak
again to new
Question.

161. A Member who has spoken to a Question may speak again to the Question of Adjournment, or to any other new Question which may arise.

Having
spoken to Ad-
journment,
may speak
to Main
Question.

162. A Member who has spoken only on the Question of Adjournment may speak subsequently on the main Question.

Having
spoken to
Main Ques-
tion, not to
enter upon
it again.

163. A Member who has spoken on the main Question may not again enter upon it when speaking to the Question of Adjournment.

Member who
has spoken
not to make
Motion, but
may speak to
Motion.

164. A Member who has spoken may not move an Amendment, or the Adjournment of the Council, or the Adjournment of the Debate, or any similar matter, but he may speak on any such Motion when it is made by another Member.

Same Mem-
ber not to
move Ad-
journment of
Council and
Debate.

165. A Member who has moved the Adjournment of the Council may not afterwards move the Adjournment of the Debate, or *vice versa*.

166. If a Motion for the Adjournment of the Council or of the Debate has been negatived, it shall not be proposed again until some other Question has intervened.

Adjournment being negatived, not to be proposed again immediately.

167. If a Debate on any Motion or Order of the Day be interrupted by the Council being counted out, such Debate may be resumed by Motion on Notice at the point where it was so interrupted.

Debate interrupted by a Count out may be resumed on Notice.

168. The Debate upon a Question may also be interrupted,—1st. By a matter of privilege suddenly arising. 2nd. By words of heat between Members. 3rd. By a Question of Order. 4th. By a Message from the Governor. 5th. By an answer to an Address. 6th. By a Message from the Assembly. 7th. By the time being come for a Conference. 8th. By a Member appearing to be sworn. 9th. By a Motion for reading an Act of Parliament, an entry in the Journal, or other public document, relevant to the Question before the Council.

Debate—how interrupted.

169. No reference shall be made to any proceedings of a Committee of the whole Council, or of any Select Committee until the same have been reported to the Council.

No reference to proceedings of Committees until reported.

XIII. DIVISIONS.

170. When a Division is called for, the sand-glass shall be turned, and the Division Bell rung.

Sand-glass to be turned, and Bell rung.

rung and kept ringing for Two minutes before the Council proceeds to such Division.

Strangers to withdraw. 171. Before any Division, Strangers shall withdraw from the body of the Council, but may remain in the Gallery, unless otherwise ordered.

Question to be put a second time. 172. On every Division the Question shall be put, and the voices taken a second time, after the Bell has been rung, and the Members have taken their places.

Ayes and Noes divide : Tellers appointed. 173. The President shall then direct the Ayes to take their seats on the right, and the Noes on the left of the Chair; and shall appoint Tellers, one from each side, and shall declare which has the majority from lists of the Members handed to him by the Tellers.

President's Casting Vote. 174. In case of an equality of Votes the President shall give a Casting Vote, and shall state the reasons of his Vote, which shall be entered in the Journals of the Council.

Divisions to be entered in Journals. 175. An entry of the Division Lists shall be made in the Journals.

In case of error new Division may be taken. 176. In case of confusion or error concerning the numbers reported by the Tellers, unless the same can be otherwise corrected, the Council will proceed to a second division.

Division Lists may be corrected. 177. If the Members shall at any time be found to have been inaccurately reported, the Council, on being informed thereof, will order the division list in the Journal to be corrected.

178. No Member shall vote in any Division unless he was present in the Council when the Question was finally put, and the vote of any Member not so present, if given, shall be disallowed.

No Member to vote unless present when Question finally put.

179. Every Member present in the Council when the Question is finally put must vote.

Members then present must vote.

180. A Division shall be called for only by a Member who has given his voice with the minority.

Division demanded only by minority.

181. A Member, having given his voice with the Ayes or Noes as the case may be, shall not, on a Division being taken, be at liberty to vote with the opposite party; and should he do so, the President, on being informed thereof, shall order the Division List to be corrected.

Members having given voices, not to vote differently, on division.

182. Divisions shall be taken in Committee of the whole Council in the same manner as in the Council itself.

Divisions in Committee.

183. A Member shall not be entitled to vote, either in the Council or in Committee, on any Question in which he has a direct pecuniary interest, such interest being of an immediate and personal, and not merely of a general or remote description; and the vote of any Member so interested shall, in case it has been given, be disallowed: but any such Member shall not be precluded from proposing any Motion or Amendment relating to such Question.

No Member to vote, if personally interested.

30 COMMITTEES OF THE WHOLE COUNCIL.

Question of
Order during
Division.

184. A Member, when proposing a Question of Order for the decision of the President during a Division, shall remain sitting.

XIV. COMMITTEES OF THE WHOLE COUNCIL.

Council
resolves itself
into Com-
mittee.

185. A Committee of the whole Council is appointed by a Resolution, "That this Council will resolve itself into a Committee of the whole Council."

President
leaves Chair.

186. When such a Resolution has been agreed to, or an Order of the Day read for the Council to resolve itself into Committee, the President shall put a Question, "That I do now leave the Chair?" which being agreed to, he shall leave the Chair accordingly.

Committee
may be put
off to any
time.

187. Amendments may be moved to the Question for the President to leave the Chair, by leaving out all the words after the word "That," in order to add the words "this Council will on this day Three months (or Six months, or any other time) resolve itself into the said Committee."

When Com-
mittee has
reported
progress.

188. When a Bill or other matter has been partly considered in Committee, and the Chairman has been directed to report progress and ask leave to sit again, and the Council has ordered that the Committee shall sit again on a particular

COMMITTEES OF THE WHOLE COUNCIL. 31

day, the President, when the order for the Committee has been read, shall forthwith leave the Chair without putting any Question, and the Council will thereupon resolve itself into such Committee.

189. So soon as the President leaves the Chair, the Chairman shall take the Chair of the Committee at the Table. Chairman takes Chair at Table.

190. If any difference should arise in Committee concerning the Election of a Chairman, the President shall resume the Chair, and a Chairman shall be appointed by the Council. In case of difference, Council appoints Chairman.

191. The Committee shall consider such matters only as have been referred to them by the Council. Committee not to consider matters not referred.

192. Every Question in Committee shall be decided by a majority of voices ; and in case of an equality of voices the Chairman shall give his casting vote. Casting vote of Chairman.

193. A Motion made in Committee need not be seconded. Motions not seconded.

194. No Motion for the Previous Question shall be made in Committee. Previous Question not to be moved.

195. The same order in Debate, and the same proceedings in regard to Divisions, shall be observed as in the Council itself. Debate and Divisions same as in Council.

196. In Committee Members may speak more than once to the same Question. Members may speak more than once.

32 COMMITTEES OF THE WHOLE COUNCIL.

On disorder,
President to
resume
Chair.

197. If any sudden disorder should arise in Committee, or a Message from the House of Assembly or from His Excellency the Governor should be announced, the President shall resume the Chair without any Question being put.

No Quorum.

198. If notice be taken, or it appear on a Division in Committee, that Seven Members including the Chairman are not present, the Chairman shall leave the Chair at the Table, and the President shall resume the Chair and count the Council.

Proceedings
thereupon.

199. If there be Seven Members when the Council is counted by the President, the Council will again resolve itself into a Committee of the whole Council; but if the Council be thereupon adjourned for want of a Quorum, the Council may, on Motion on Notice, order the resumption of such Committee, and the Debate shall be resumed at, and all other proceedings restored to, the point at which they were interrupted.

Report.

200. After all the matters referred to the Committee have been considered, the Chairman shall be directed to report the same to the Council.

Report of
Progress.

201. When all such matters have not been considered, the Chairman shall be directed to report progress and ask to sit again.

Motion to
leave the
Chair.

202. A Motion that the Chairman do now leave the Chair shall, if carried, supersede the proceedings of a Committee; but such pro-

ceedings may, by Motion on Notice, be revived by Order of the Council.

203. Every Report from a Committee of the whole Council shall be brought up without any Question being put. Report to be brought up without Question.

204. A Resolution proposed in a Committee of the whole Council cannot be postponed, but must be withdrawn, amended, negatived, agreed to, or superseded. Resolution cannot be postponed.

205. A Committee of the whole Council cannot adjourn its own sittings, or any Debate in the Committee. Committee cannot adjourn.

206. Resolutions reported from a Committee shall be read a first time throughout without a Question, and a second time one by one, a Question being put upon each, that it be agreed to; and may be agreed to or disagreed to by the Council, or agreed to with Amendments, or recommitted to the Committee, or the further consideration thereof may be postponed. Resolutions of Committee.

207. The proceedings in Committees of the whole Council shall be printed weekly, and be appended to the Journals of the Council. Proceedings to be printed with Journals.

XV. SELECT COMMITTEES.

208. It shall not be compulsory on the President to serve on any Select Committee. President not compellable to serve.

Number of
Members.

209. No Select Committee shall consist of less than Three or more than Seven Members, unless the Council shall otherwise order.

Notice to
specify
names.

210. Every Notice of Motion for the appointment of a Select Committee shall specify the Names of such Committee, the Mover being one.

May be
chosen by
Ballot.

211. If upon such Motion any one Member so require, the Committee shall be formed as follows :—Each Member shall give to the Clerk a List of the Members whom he desires to be chosen to serve on such Committee, not exceeding the number proposed ; and the Members who shall have the greatest number of votes, as reported by the Clerk, shall be declared by the President to be the Members of such Committee.

When Lists
redundant,
or votes
equal.

212. If any such List contain more than the proper number of Names, it shall be rejected ; and if Two or more Members on any such List have an equality of Votes, the President shall determine which shall serve on the Committee.

Notice of
Election by
Ballot.

213. If the Mover desires that the Committee shall be chosen by ballot, he may give Notice that he will move for a Committee of a certain number of Members to be chosen under Rule 211.

Willingness
to serve to
be ascer-
tained.

214. Every Member intending to move for the appointment of a Select Committee, shall endeavour to ascertain previously whether each Member proposed to be named by him on such Committee is willing to give his attendance *thereupon*.

215. Members may be afterwards discharged from attending a Select Committee, and other Members appointed after previous Notice given in the Votes and Proceedings. Members discharged or others appointed.

216. Every Notice of Motion for discharging, adding, or substituting Members of a Select Committee shall contain the Names of such Committee, together with the Names of the Members to be discharged, added, or substituted. Notice for that purpose to specify names.

217. Lists of the Members serving on Select Committees shall be exhibited in some conspicuous place in the Lobby of the Council. Lists of Committees to be exhibited.

218. In all Select Committees three shall form a quorum, unless otherwise especially ordered; and if at any time during the sittings of a Committee such quorum be not present, the Clerk of the Committee shall call the attention of the Chairman to the fact, who shall thereupon suspend the proceedings of the Committee until a quorum be present, or shall adjourn the Committee to a future day. Quorum.

219. Members nominated to serve on Select Committees of the Council who shall neglect or refuse to attend such Committees shall be reported by the Chairman to the Council, which will thereupon deal with them for their default as it may think fit. Neglect of Members to attend.

220. Every Select Committee, before proceeding to any other business, shall elect its own Election of Chairman.

Chairman. In his absence the Members present shall elect another to act *pro tempore*.

Casting Vote of Chairman. 221. The Chairman of a Select Committee shall vote only when the voices are equal.

Days of Meeting. 222. Select Committees may meet for the dispatch of business on any day, except Sunday, during any adjournment of the Council which shall not exceed seven days.

Not to sit while Council sitting. 223. Except by leave of the Council, no Select Committee shall sit during the sitting of the Council.

Committee on Printing. 224. At the commencement of every Session a Select Committee on Printing shall be appointed; which Committee shall report which of the Petitions and Papers referred to them from time to time ought in their opinion to be printed.

Select Committees may adjourn. 225. A Select Committee may adjourn from time to time, and, by leave of the Council, from place to place.

Power to send for Papers, &c. 226. Whenever it may be necessary, the Council will give a Committee power to send for Persons, Papers, and Records.

Name of interrogator to be prefixed to Question. 227. To every question asked of a Witness under examination, in the Proceedings of any Select Committee, there shall be prefixed in the Minutes of the Evidence the name of the Member asking such question.

228. The names of the Members present each day on the sitting of any Select Committee shall be entered on the Minutes of Evidence, or on the Minutes of the Proceedings of the Committee (as the case may be), and reported to the Council on the report of such Committee.

Names of
Members
present to be
reported.

229. In the event of any Division taking place in any Select Committee, the Question proposed, the name of the proposer, and the respective Votes thereupon of each Member present, shall be entered on the Minutes of the Proceedings of the Committee, and reported to the Council on the Report of such Committee.

Divisions to
be reported.

230. At the request of any Member, or in his own discretion, the Chairman of any Select Committee shall order the withdrawal of Strangers at any time.

Withdrawal
of Strangers.

231. Any Member of the Council shall be at liberty to be present at any Select Committee, but shall not be allowed to speak, or in any way interfere in the proceedings of the Committee, unless he be a Member thereof.

Committees
open to all
Members of
Council.

232. No Select Committee of the Council shall confer with a Select Committee of the Assembly without an Order of this Council made on Motion.

Committees
not to confer
with those of
Assembly.

233. Before any such Order shall be made, a Message shall be sent to the Assembly, with a request that leave may be given to the Select Committee of that House to confer with the Select Committee of the Council.

Message to
H.A. for
leave to
confer.

Conference
between
Select Com-
mittees may
be free.

234. Every Select Committee of the Council directed to confer with any Select Committee of the Assembly may confer freely by word of mouth, unless this Council shall otherwise order.

Proceedings
to be re-
ported in
writing.

235. The proceedings of every Conference between a Select Committee of the Council and a Select Committee of the Assembly shall be reported in writing to the Council by its own Committee.

Joint Com-
mittee :
when pro-
posal for
Committee
originates in
Council.

236. Where the proposal for the appointment of a Joint Committee originates in the Council, a Motion shall be made that the Assembly be requested to agree thereto ; which Motion shall state, in general terms, the object for which the Committee is desired, and the number of Members proposed to serve thereon.

Concurrence
of Assembly
requested,
and Members
appointed.

237. If that Motion be carried, the same shall be communicated by Message to the Assembly, with a request that they will agree to the appointment of such Joint Committee: upon being informed of such agreement, the Council will appoint the Members to serve on such Committee.

When pro-
posal origi-
nates in
Assembly.

238. The Council, where it agrees to the appointment of any Joint Committee proposed by the Assembly, will forthwith name the Members of the Council to serve on such Committee.

Number for
each House
to be equal.

239. The Members of the Council to serve on any such Committee shall, in every case, be the same in number as those appointed by the *Assembly*.

240. When the proposal for the Committee originates in the Assembly, the time and place for holding the first Meeting shall be appointed by the Council; and when the proposal originates in the Council, the Council will agree that the first Meeting shall be held at a time and place appointed by the Assembly.

Time and place for first Meeting.

241. The presence of at least Three of the Members appointed by the Council to serve on a Joint Committee shall be necessary at every Meeting of such Committee.

Quorum.

242. The Chairman of every Joint Committee may be appointed by the majority of the Members present at any Meeting thereof.

Appointment of Chairman.

243. When the Committee has concluded its Sitzings, the Members of the Council serving thereon shall report in writing to the Council the proceedings of such Committee.

Proceedings to be reported in writing.

244. Every Report of a Select Committee shall be signed by the Chairman on behalf of the Committee.

Report of Select Committee to be signed by Chairman.

245. By leave of the Council, a Committee may report its opinion or observations from time to time, or report the Minutes of Evidence only, or Proceedings from time to time.

Progress Reports.

246. The Evidence taken by any Select Committee of the Council, and Documents presented to such Committee, which have not been reported to the Council, shall not be published.

Evidence, &c. not to be published.

40 INSTRUCTIONS TO COMMITTEES.

or referred to in the Council by Members of such Committee.

Leave to sit during adjournment or recess.

247. The Council may give leave to a Committee to sit and act during any adjournment of the Council, or any recess of Parliament.

XVI. INSTRUCTIONS TO COMMITTEES.

Effect of Instruction.

248. An Instruction shall empower a Committee of the whole Council to consider matters not otherwise referred to them.

Powers of Committees: Amendment of Title.

249. All Committees of the whole Council to whom Bills may be committed shall have power, without any special Instruction, to make such Amendments therein as they shall think fit, provided such Amendments be relevant to the subject matter of the Bill; but if any such Amendments shall not be within the Title of the Bill, they shall amend the Title accordingly, and report the same specially to the Council.

What Instructions may not be moved.

250. No instruction shall be moved to empower a Committee to make provision for any matter in a Bill if they already have power to make such provision.

Not to be moved as Amendment.

251. Before the first sitting of the Committee, an Instruction shall be proposed only as a distinct Motion after the Order of the Day for the Committee has been read, and before any Question has been proposed thereupon, and not

as an Amendment to the Question, "That the President do now leave the Chair."

252. When after the first sitting of the Committee it is proposed to move a distinct Instruction, it shall be done before the Order of the Day for the Committee is read. When moved after first sitting.

253. An Instruction to a Select Committee may extend or restrict the Order of reference. Instruction to Select Committee.

XVII. WITNESSES.

254. Witnesses may be summoned, in order to be examined at the Bar of the Council, or before a Committee of the whole Council, or a Select Committee; the Summons being signed by the President or Chairman, as the case may be. (22 Vict. No. 17, sect. 2.) Summoned by Order of the Council.

255. When a Witness is examined by the Council at the Bar, all Questions addressed to him shall be put through the President. Questions to be put through President.

256. In Committee of the whole Council any Member may put Questions directly to the Witness. Questions in Committee.

257. If any Question be objected to, or other matter arise, the Witness, shall be ordered to withdraw while the same is under discussion. Withdrawal of Witnesses.

258. When the attendance of a Member is desired, to be examined by the Council or a Members examined in their places.

Committee of the whole, he shall be ordered to attend in his place for that purpose, and shall be there examined.

Attendance
of Members,
&c. of
Assembly.

259. When the attendance of any Member or Officer of the Assembly is desired, to be examined by the Council or any Committee thereof, a Message shall be sent to the Assembly requesting that leave may be given to such Member or Officer to attend in order to his being examined accordingly upon the matters stated in such Message.

Witnesses
not attend-
ing.

260. Witnesses, whether Members or any other persons, who shall disobey any Order of the Council, or of any Committee thereof duly authorised in that behalf, to attend, or to produce papers, books, records, or other documents, or shall refuse to be examined, or to answer any lawful and relevant question, are liable to be summarily punished by imprisonment for any time during the continuance of the Session. (22 Vict. No. 17, sect. 3.)

Payment of
Expenses.

261. Every Select Committee shall have power to award payment to any professional or other Witnesses they may deem it necessary to summon, or for any professional or other assistance they may be authorised to employ in furtherance of the enquiry with which the Committee is charged; and the production of the Chairman's Certificate by any such Witness, with a copy of such award signed by the Clerk of the Council, shall entitle him to the President's written order to the Clerk for payment of such sum as may be therein stated to be

due to him for the special service to be therein named; and such order, with the Chairman's Certificate, and the copy of the award thereto appended, shall be sufficient authority and discharge to the Clerk for making such payment out of any public moneys in his hands, or by the ordinary course of public payments through the Colonial Treasury; and every such award, with the sum awarded, the particulars of the service rendered, and the name of the party in whose favour made, shall be entered on the Minutes of the Proceedings of the Committee.

XVIII. MESSAGES FROM THE GOVERNOR.

262. Whenever a Message from the Governor is announced, the business before the Council shall be suspended, and the bearer of the Message be introduced. Messenger introduced.

263. The President shall immediately read the Message to the Council, and, if necessary, the Council shall fix a future day for taking, or forthwith take, the same into consideration. Message to be read and considered.

XIX. MESSAGES BETWEEN THE TWO HOUSES.

264. Communications with the Assembly may be by Message, by Conference, by a Joint Committee, or by Select Committees conferring with each other. Communications with Assembly.

Form and
delivery of
Messages to
Assembly.

265. Every Message from the Council to the Assembly shall be in writing, signed by the President, and entered upon the Journals, and delivered to the Speaker by Two or more Members named by the President.

Messages
received
from Assembly.

266. Every Message from the Assembly to the Council, if conveyed by Members of that House, shall be received by the President at the Bar, and the business before the Council shall be suspended. The President shall then read the Message to the Council; and, if necessary, the Council shall fix a future day for taking, or forthwith take, the same into consideration.

A Message
may refer to
more than
one Bill.

267. This Council will receive from the House of Assembly, in one Message, all Bills first communicated, all Bills returned without amendment, and all Bills with the amendments of the Council agreed to without amendment; a List of such Bills, with a statement of the Assent of the House of Assembly thereto, being delivered together with such Message and Bills.

XX. CONFERENCES.

By whom
requested.

268. Conference is to be required by that House which, at the time of the Conference demanded, shall be possessed of the Bill, and not by the other House.

During
Conference
business
suspended.

269. During any Conference between the two Houses the business of the Council shall be suspended.

270. Conferences desired by the Council with the House of Assembly, in which the differences that may arise between the two Houses upon Bills or other matters may be discussed, shall in all cases be requested by Message.

Conference to be requested by Message.

271. In requesting any Conference, the Message from the Council shall state, in general terms, the object for which the Conference is desired, and the number of Managers proposed to serve thereon.

Message to state object.

272. Every Notice of Motion requesting any Conference between the Houses shall contain the names of the Members proposed by the Mover to be Managers of such Conference for the Council.

Notice of Motion to name Managers.

273. If upon such Motion any One Member shall so require, the Managers for the Council shall be selected in the same manner as the Members of a Select Committee.

Managers may be selected as for Select Committee.

274. In cases in which the House of Assembly disagree to any Amendments made by the Council, or insist upon any Amendments to which the Council have disagreed, the Council are willing to receive in writing the reasons of the House of Assembly for their disagreeing or insisting (as the case may be) by Message, without a Conference, unless at any time the House of Assembly should desire to communicate the same at a Conference.

Reasons of Assembly received without Conference.

275. When a Conference is agreed to, such agreement shall be communicated by Message.

Message when Conference agreed to.

Number of
Managers.

276. The Managers to represent the Council at any Conference required by the House of Assembly shall consist of the same number as those of the Assembly.

Time and
place for
meeting.

277. In respect of any Conference requested by the Assembly, the time and place for holding the same shall be appointed by the Council; and when the Council requests a Conference, the Council will agree to its being held at such time and place as shall be appointed by the Assembly.

Names of
Managers
called over.

278. The time for holding a Conference being come, the names of the Managers shall be called over, and they shall repair to the Conference Chamber.

Managers for
Assembly
received.

279. At all Conferences requested by the Assembly, the Managers for the Council shall assemble at the time and place appointed, and receive the Managers of the Assembly.

All Con-
ferences to
be free.

280. At all Conferences, the Managers for this Council shall be at liberty to confer freely, by word of mouth, with the Managers for the Assembly.

Conferences
to report.

281. In all cases of Conference, the Managers for the Council shall, when the Conference has terminated, return to the Council and report their proceedings.

Resolutions
after Con-
ference to be

282. If either House should not insist upon its Amendments, or its disagreement to Amend-

ments to any Bill, after a Conference, such communicated by
Resolution shall be communicated by a Message. Message.

XXI. PUBLIC BILLS.

283. Every Public Bill initiated in the Council shall be introduced either by a Motion for leave to bring in a Bill, specifying the Title; by an Order of the Council on the Report of a Committee; or by the reading of a Statute, or Resolution, or other proceeding of the Council.

284. The Member having leave, or the Member appointed to bring in a Bill, shall prepare a Draft of such Bill, with the necessary blanks to be filled up in Committee of the whole Council, and shall present a fair copy thereof to the Council.

285. Instructions may be given to such Member or Members to make further provisions in any such Bill before the same is brought in.

286. Any Bill which contains provisions not authorised by the Order of leave, or the Title of which does not correspond with the Order of leave, or which is not prepared in proper form, will be ordered to be withdrawn.

287. After a Bill has been presented and read the First time, no other than clerical alterations shall be made to it except in Committee or in the Council itself.

No provision
foreign to
Title.

288. No Clause or Provision shall be inserted in any Draft Bill foreign to the Title of the Bill.

No two or
more matters.

289. Matters which have no proper relation to each other shall not be intermixed in one and the same Bill.

No perpetual
clause in
temporary
Bill.

290. No perpetual clause shall be inserted in any Bill the main provisions of which are temporary.

Duration of
temporary
Bill.

291. The precise duration of every temporary Bill shall be expressed in a distinct clause at the end of the Bill.

Title only
to be read.

292. On every reading of a Bill, the Title only shall be read.

First reading
without
debate.

293. On the first reading of every Bill, the Question "That this Bill be now read the First time" shall be decided, without amendment or debate.

After first
reading as to
be printed.

294. Every Bill read a first time shall be printed with as little delay as possible, and a copy shall be provided for each Member by the Clerk.

Second
reading not
sooner than
three days
after first.

295. After the first reading of a Bill, a future day, not sooner than three clear days after such first reading, shall be fixed, on Motion, for its second reading.

Question for
Second
reading.

296. The Order of the Day being read, and a Motion being made, for the Second reading of

a-Bill, the Question shall be put, "That the Bill be *now* read the Second time."

297. Amendments may be moved to such Question, by leaving out the word "*now*," and at the end of the Question adding "*on this day Three months*," "*Six months*," or any other time; or, that the Bill be rejected [*or withdrawn*]. Amendments.

298. No Amendment may be moved to such Question, unless the same be strictly relevant to the Bill. Amendments to be relevant.

299. The Order for the second reading of a Bill having been read, may be discharged, and the Council may order the Bill to be withdrawn, and give leave for another Bill (if the Title be changed) to be *brought in*; or (if there be no change of Title) the Order of leave for bringing in the first Bill having been read, leave may be given to *present* another Bill instead thereof. Another Bill may be brought in or presented on same Order.

300. A Bill, having been read the second time, shall, either then or at a future time, be committed to a Committee of the whole Council; or it may be referred to a Select Committee. Committed. ||

301. Bills which may be appointed for consideration in the Committee on the same day, whether in progress or otherwise, may be referred together to a Committee of the whole Council, which may consider on the same day all the Bills so referred to it, without the Chairman leaving the Chair on each separate Bill; pro- Several Bills committed to same Committee,

vided that, with respect to any Bill not in progress, if any Member shall object to its consideration in Committee with other Bills, the Order of the Day for the Committee on such Bill shall be postponed.

Only marginal notes to be read.

302. When a Bill is under consideration in Committee, the marginal note only of each Clause shall be read; but, if a Member so require, any Clause shall be read at length.

Question on each Clause.

303. The Chairman of Committees shall put a Question on each Clause of the Bill, "That the Clause as read stand part of the Bill."

Amendments to Clauses.

304. Such Question being proposed, Amendments may be proposed to the Clause—

1. To leave out words.
2. To leave out words in order to add or insert other words instead thereof.
3. To add or insert words.

And such Amendments shall be dealt with as in the Council itself. (*Vide* Amendments.)

Question on Clause, as amended.

305. When a Clause has been amended, the Question shall be put, "That the Clause, as amended, stand part of the Bill."

What Amendments admissible: Title amended.

306. Any Amendment may be made to a Clause or other part of a Bill, provided the same be relevant to the subject matter of the Bill, or pursuant to any Instruction, and be otherwise in conformity with the Rules and Orders of the Council; but if any Amendment shall not be within the Title of the Bill, the

Committee shall amend the Title accordingly, and report the same specially to the Council.

307. Any Clause may be postponed, unless Clauses the same has already been considered and postponed. amended.

308. After all the Clauses and Schedules have Preamble. been gone through, and new Clauses (if any) added, the Preamble shall be considered, and, if necessary, amended; and a Question shall be put, "That this be the Preamble of the Bill."

309. No Notice shall be taken of any Pro- No Notice of ceedings in a Committee of the whole Council, in Com- or a Select Committee on a Bill, until such Bill mittee until has been reported. reported.

310. When all the parts of a Bill have not Report of been considered, the Committee shall direct the Chairman to report progress, and ask leave to sit again. Progress.

311. The Bill having been fully considered, Report of the Chairman shall be directed to report the Bill. Bill without Amendments, or to report the Bill with the Amendments, to the Council.

312. A Bill, being reported with or without Bill ordered Amendments, shall be ordered to be read the to be read 3^o. third time on a future day.

313. When Amendments have been made to Amendments a Bill, the same shall be received without de- considered bate, and a future day shall be appointed for day, taking the Bill, as amended, into consideration.

On consideration, further Amendments may be made.

314. On consideration of the Bill as amended, further Amendments may be made to any part thereof, and new Clauses added; or the Bill may be recommitted.

Amendments, how dealt with.

315. When the amended Bill is under consideration, the Amendments made in Committee shall be read by the Clerk a first time throughout, and a second time (on Motion) one by one, a Question being put upon each, "That that Amendment be agreed to;" which Amendment may be agreed to, disagreed to, or amended.

New Clauses or Schedules.

316. A Clause or Schedule, being offered to be added in Committee, shall be read the first time without a Question put, and the second time on Motion made and Question put; but no Clause or Schedule shall be offered on consideration of the Bill as amended, without notice.

Clauses made part of Bill.

317. A Clause or Schedule, proposed to be added in Committee, or on consideration of the Bill as amended, having been read the first and second time, the Question shall be put by the Chairman or President, "That this Clause (or Schedule), or this Clause as amended, be made part of the Bill."

*(For other Proceedings in Committee see also
"Committees of the whole Council.")*

Chairman to certify Bill.

318. Before the third reading, the Chairman of Committees shall certify in writing that the Bill as printed is in accordance with the Bill as reported, and the President shall announce that the Chairman has so certified.

319. No other than verbal Amendments shall be made to a Bill on the third reading; but the Order of the Day for the third reading may be discharged, and the Bill, in respect to the whole or any part, recommitted, when any Amendments, of which Notice has been given, may be made; but if Amendments be made, a future day shall be appointed for the third reading.

Amendments
on recom-
mittal on
Third
reading.

320. When Amendments have been made to a Bill on re-committal, the Bill as amended shall be taken into consideration on a future day.

Amendments
on recom-
mittal—con-
sideration.

321. The Order of the Day being read, and a Motion being made, for the third reading of a Bill, a Question shall be put, "That the Bill be now read the Third time," to which Amendments may be moved, as on the second reading.

Question
for Third
reading.

322. After the third reading, a Question shall be put, "That this Bill do pass;" after which the Title of the Bill shall be read by the President, and a Question put, "That this be the Title of the Bill," which may be agreed to, or agreed to with Amendments.

Passing and
Title.

323. The further proceedings on the third reading may be adjourned to a future day.

Proceedings
on reading
3^d adjourned.

324. Clerical and typographical errors may be corrected in any part of a Bill by the Chairman of Committees before it is sent to the House of Assembly for its concurrence.

Clerical
errors cor-
rected.

325. When a Bill is passed by the Council, the Clerk shall certify at the top of the first

Clerk to cer-
tify passing
of Bill.

page the date of its passing; and the Bill shall be sent to the Assembly, with a Message requesting their concurrence therein.

Amendments
of Assembly
considered
in Com-
mittee.

326. When any Bill is returned to the Council with Amendments, such Amendments shall be considered in Committee of the whole Council.

Amendments
of Assembly
disagreed to.

327. When any such Amendments of the House of Assembly are disagreed to, a Committee shall be appointed to draw up Reasons to be assigned to the Assembly for such disagreement; or the consideration of the Amendments may be put off for Three or Six months, or any other time; or the Bill may be laid aside.

Bills
received
from House
of Assembly.

328. Public Bills coming to the Council for the first time from the House of Assembly may, on Motion, be forthwith read a first time, and shall afterwards be severally proceeded with in all respects as similar Bills presented in pursuance of Orders of this Council; but the Clerk shall certify at the top of the first page of every such Bill as shall pass without Amendment, that "The Legislative Council has this day agreed to this Bill;" and at the top of every such Bill as shall pass with Amendments, that "The Legislative Council has this day agreed to this Bill with Amendments."

When
amended, to
be returned.

329. If any such Bill be amended, it shall be returned to the Assembly with the Amendments, and a Message requesting their concurrence therein.

330. In taking into consideration Amendments of the House of Assembly, the Council may not leave out or otherwise amend anything which it has itself already passed, unless such Amendment be immediately consequent upon the Amendments of the House of Assembly which have been agreed to, and are necessary for carrying them out.

Council not to amend its own Amendments, except consequentially.

331. The final passing by the Council of every Bill received from the Assembly shall be communicated to that House by Message.

Message communicating passing of Bill.

332. When any Amendments proposed by the Governor to be made to a Bill, and communicated by His Excellency to the Council, have been agreed to, or agreed to with Amendments, they shall be transmitted to the House of Assembly with a Message requesting its concurrence therein.

Governor's Amendments to be transmitted to House of Assembly.

333. All Bills, both Public and Private, which have passed both Houses of Legislature, shall be printed on vellum; and it shall be the duty of the Clerk of the Legislative Council to receive and keep such Bills until required by the President for presentation.

Printing with custody of Bills passed.

334. All Bills shall be presented to the Governor for Her Majesty's Assent by the President of the Legislative Council, except Bills for the Appropriation of any part of the Revenue.

Presentations for Assent.

335. Acts assented to on behalf of Her Majesty, and Bills reserved for the signification of Her Majesty.

of Her Majesty's pleasure, shall be numbered by the Clerk of the Council immediately before the Title, in the order of such Assent or Reservation, with the date of such Assent or Reservation added next after the Title, commencing a new series of numbers with each year of Her Majesty's reign.

**Enrolment
of Acts.**

336. Every Act, after having been so assented to and numbered, shall, within Seven days after it has received the Royal Assent, be transmitted by such Clerk to the proper Officer, to be by him enrolled or otherwise dealt with according to Law. (21 Vict. No. 52.)

XXII. PRIVATE BILLS.

**Private Bills
initiated by
Petition.**

337. All Bills of a strictly private nature affecting individual interests, or for the establishment of commercial bodies for the sake of profit, shall be initiated by Petition as hereinafter directed.

**Printed copy
of Bill to be
annexed to
Petition.**

338. No Private Bill shall be initiated in the Council except upon a Petition first presented, with a printed copy of the proposed Bill annexed; which Petition shall be signed by one or more of the parties applying, and shall state that the Bill does not involve the creation of any new Rate, Tax, or Impost.

**Question,
whether Bill
be Private**

339. Whenever a question arises upon the introduction of a Bill, whether such Bill be a

Private or Public Bill, that question shall, upon Motion, be referred to a Select Committee, which Committee shall have power to report that such Bill is a strictly Private Bill, and ought to be dealt with as such; or to report that such Bill, though of a private nature, may be dealt with as a Public Bill; and upon confirmation of such report by the Council, the Bill shall be dealt with accordingly.

or Public, to be referred to Select Committee.

340. Notice of the intention to apply for every Private Bill shall be published once a week for two consecutive weeks in the *Gazette*, and in one or more public Newspapers published in Hobart Town and in Launceston; which Notice shall contain a true statement of the general objects of the Bill, and what private interests will generally be affected by such Bill.

Notice of intention to apply for Private Bill.

341. Every such Petition shall state in the commencement that such Notice has been so given, and shall contain a copy thereof; and the production of the numbers of such *Gazette* and Newspapers respectively, to be filed with the Clerk of the Council, shall be sufficient proof of the giving of such Notice.

Petition to contain Notice; and *Gazette* and Newspapers to be filed.

342. When such Petition has been received, and the requisite publications proved, Notice of Motion for leave to bring in the Bill may be given as in the case of Public Bills.

Notice of Motion for leave to bring in Bill.

343. When leave to bring in the Bill has been obtained, before it is read a first time, a sufficient number of copies, printed in the same form as a Public Bill, at the expense of

Copies to be supplied before first reading.

the parties applying, shall be delivered to the Clerk for the use of the Council.

Fee before
first reading.

344. Before any Private Bill initiated in this Council shall be read a first time, the sum of Twenty Pounds shall be paid into the hands of the Colonial Treasurer, to meet the expenses attendant on such Bill; and a Certificate of that sum having been paid, to be filed with the Clerk, shall be produced by the Member having charge of the Bill.

Bill to
contain
Preamble.

345. Every Private Bill shall contain a Preamble reciting the circumstances on which the Bill is founded, and the matters in reference to or by reason of which the legislation sought for has become necessary.

Referred to
Select Com-
mittee.

346. When the Bill has been read a first time, it shall be referred to a Select Committee to be appointed in the usual manner upon Notice, which Committee shall require proof of the allegations contained in the Preamble.

If Notice
insufficient,
further
Notice may
be given.

347. If it shall appear to such Committee that the Notice given in conformity with these Orders is insufficient, the Committee may direct any further Notice which the justice of the case shall require to be specially given before the Bill is reported on.

Proof of
Preamble.

348. The Committee shall hear the parties in person, or by Counsel or Attorney if it be desired, and may take such oral or other evidence as they think requisite, and decide on all matters at issue between the persons proposing and

opposing the Bill; after which the Question shall be put by the Chairman, "That this Preamble stand part of the Bill."

349. If the Committee be of opinion that the Preamble has not been proved, they shall report ~~to that effect, which shall be fatal to the Bill;~~ ^{When Preamble proved, Clauses considered.} ~~but if it be resolved that the Preamble stand part of the Bill, the several Clauses shall be proceeded with, and all Amendments, if any, carefully noted for Report to the Council, care being taken that no Clause be inserted or Amendment made foreign to the import of the Notice given.~~

350. Upon the Bill being brought up and reported by the Select Committee, it shall be proceeded with as in the case of Public Bills; a ^{Upon report, Bill to be dealt with as Public Bill.} future day being appointed for the second reading.

351. Every private Bill sent up from the Assembly, if accompanied by a copy of the Report and Proceedings of the Select Committee of that House to which it shall have been referred, shall be dealt with in the same manner as a Public Bill, and shall not be referred to a Select Committee of this Council, unless on a Motion for such reference. ^{When received from Assembly, to be dealt with as Public Bill.}

352. Private Bills shall be presented to the Governor for the Royal Assent, and otherwise dealt with, in every respect, as in the case of Public Bills, except that they shall not be numbered. ^{Private Acts not to be numbered.}

XXIII. ACCOUNTS AND PAPERS.

Papers
ordered.

353. Accounts and Papers may be ordered to be laid before the Council.

Obtained by
Address.

354. When the Royal Prerogative is concerned in any Account or Paper, an Address shall be presented to the Governor, praying that His Excellency will be pleased to cause such Account or Paper to be laid before the Council.

Presented by
command or
pursuant to
Act.

355. Papers may also be presented pursuant to Act, or by command of His Excellency the Governor.

Laid upon
Table by
Clerk.

356. Accounts and other Papers required to be laid before the Council by any Act of Parliament, or by any Order of the Council, may be deposited in the Office of the Clerk of the Council, to be by him laid upon the Table.

Orders to
be com-
municated to
Colonial
Secretary.

357. All Orders for Papers made by the Council shall be communicated to the Colonial Secretary by the Clerk.

Copies of
Papers to
Assembly.

358. The Clerk of the Council shall transmit to the Clerk of the House of Assembly a sufficient number of all Papers printed by order of the Council for distribution to the Members of the House of Assembly.

Custody of
Records and
Papers in
Clerk.

359. The custody of the Minutes and Records, and of all Papers and Accounts whatsoever, presented to the Council shall be in the Clerk, who shall neither take nor permit to be taken

any of such Minutes, Records, or Accounts from the Chamber or Offices without the express leave of the Council.

360. If it be desired that any Paper in the possession of the House of Assembly may be laid before the Council, a Message shall be ordered to be sent to the Assembly requesting that such Paper (or a copy thereof) may be communicated to the Council.

Message for Papers to be communicated by Assembly.

XXIV. MISCELLANEOUS.

361. The Council may, on Motion of a Member, order any Order or Resolution of the Council, or any Statute, or other similar matter, to be read.

Orders, &c. read.

362. A Resolution or other Vote of the Council may be read and rescinded ; but not on the same day as that on which it was passed.

Votes may be rescinded.

363. An Order of the Council may be read and discharged.

Orders discharged.

364. The printed Votes and Proceedings of the Council shall constitute and be taken to be also the Journals of the Council.

Votes and Journals same.

XXV. STRANGERS.

Admission of Strangers. 365. The President only shall have the privilege of admitting Strangers to the Body of the Council Chamber; but every Member may admit Three Strangers each day, by Order under his hand, to the Gallery.

Withdrawal of Strangers. 366. At the request of any Member, or in his own discretion at any time, the President shall order all or any Strangers to withdraw, and they shall immediately withdraw accordingly.

XXVI. CONTEMPT.

Disobedience or Disorder, Contempt. 367. Any Member who shall wilfully disobey any Order of this Council, or who shall vexatiously interrupt the orderly conduct of its business, shall be held guilty of Contempt.

Members guilty of Contempt to be fined or committed to custody of Black Rod. 368. Any Member adjudged by the Council to be guilty of Contempt shall be fined at the discretion of the House in a penalty not exceeding Twenty Pounds; and in default of immediate payment, be committed by order of the President, for a period not exceeding Fourteen Days, to the custody of the Usher of the Black Rod, who shall detain the Member in custody for the period directed, unless sooner discharged by order of the Council, or the Fine be sooner paid; or, in lieu of a Fine, he may at once be so committed for any period, not extending beyond the

duration of the Session, which the Council may appoint; but in either case he shall pay a Fee of Two Pounds to the Usher of the Black Rod for every day he shall have been so detained. (*Vide* 22 Vict. No. 17.)

369. In case of complaint made by any Member of the Council, whereupon any person shall be taken into custody for any offence mentioned in the 3rd Section of the "Act to confer certain Powers and Privileges on the Houses of the Parliament of Tasmania," if the Council shall adjudge that there is no ground for such complaint, the Member who made the Complaint shall pay the fees and expenses of the person so taken into custody, which fees and expenses shall be settled and allowed by the President.

When persons taken into custody on frivolous complaints, Member making complaint to pay expenses.

XXVII. SUSPENSION OF STANDING ORDERS.

370. In cases of pressing necessity, any Sessional or Standing Order may be suspended by leave of the Council; but no Motion for that purpose shall be made without due Notice, except on grounds of extreme urgency.

Suspension of Standing Orders.

XXVIII. PROTEST.

To be delivered
before Four
o'clock next
day.

371. Members shall have a right to enter their dissent, either with or without any Vote of the Council without leave of the Council, provided they deliver their Protest or Dissent in writing to the Clerk of the Council before the hour of Four o'clock next sitting day; and such Protest or Dissent shall be entered on the Votes and Proceedings of the Council.

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ACTS OF IMPERIAL PARLIAMENT. (5 & 6 Vict. Cap. 76, and 13 & 14 Vict. Cap. 59.)

Reservation of Bills.—Reserved Bill not to have force until the Governor, by Speech, Message, or Proclamation, signifies that it has been laid before the Queen in Council, and assented to; entry to be made in the Journals of such Speech, &c., and duplicate thereof, duly attested, to be delivered to the Registrar of Supreme Court, or other proper Officer, for record; if Queen's Assent be not signified within two years from the date of presentation to the Governor for assent, Bill to have no force. (5 & 6 Vict. Cap. 76, Sec. 38.)

GOVERNOR'S INSTRUCTIONS. (5 & 6 Vict. Cap. 76, Sec. 40.)

Acts.—Each different matter to be provided for by different Act, without intermixing things which have no proper relation to each other; no Clause to be inserted foreign to Title; no perpetual Clause in any temporary Act. (*Vide* S.O. Nos. 288. 289. 290. *supra*.) Acts to be furnished with marginal notes.

Journals.—Copies to be furnished by the Clerk, and transmitted by the Governor to the Secretary of State.

ACTS OF PARLIAMENT OF TASMANIA.

Constitution of the Council. (18 Vict. No. 17, amended by 23 Vict. No. 43, and 34 Vict. No. 42.)—

Legislative Council and House of Assembly to be substituted for then existing Legislative Council, and called "The Parliament of Tasmania." (18 Vict. No. 17, Secs. 1 & 3.)

Governor to fix time and place for Meeting, and to pro-
rogue Parliament. (Sec. 4.)

Council to consist of 16 Members, of the full age of 20 years, being natural-born or naturalized Subjects, or having obtained Letters of Denization or Certificate of Naturalization. (34 Vict. No. 42, Sec. 2.)

Electors to be 21 years of age, and to be natural-born, &c. Qualifications—Freehold Estate of £80 per annum clear; Leasehold of £200 per annum, under term of not less than 5 years; Degree of any University in British Dominions; being Barrister or Solicitor on Roll of Supreme Court, legally qualified Medical Practitioner, officiating Minister of Religion, Officer or retired Officer of Her Majesty's Army or Navy not on actual Service. (Sec. 3.)

Persons not eligible as Members—Judges of Supreme Court, or holding Offices of profit or emolument by the appointment of the Governor or the Governor in Council, except Responsible Ministers; Contractors on account of the Public Service. (Secs. 5 & 6.)

Council at first Meeting, and before proceeding to despatch of any other business, to elect President, and as often as Presidency becomes vacant; the Election to be notified to the Governor by a Deputation of the Council. (18 Vict. No. 17, Sec. 8.)

In case of President's absence, Council to choose some other Member to fill temporarily his office and perform his duties during his absence. (Sec. 10.)

Seven Members, including President, to be a Quorum; all questions to be decided by majority of the votes of such Members as shall be present exclusive of the President, who is allowed a Casting Vote. (Sec. 11.)

Members may resign in writing; and upon resignation seat to become vacant. (Sec. 12.)

Seat vacated—(Sec. 13.)

- (1.) By absence for one entire Session without leave.
- (2.) By transferring allegiance to Foreign Powers.
- (3.) By becoming bankrupt. (*Vide etiam* 34 Vict. No. 42, Sec. 8.)
- (4.) By attainer, or conviction for Felony or infamous crime.
- (5.) By becoming of unsound mind.
- (6.) By acceptance of office, save as above. (18 Vict. No. 17, Sec. 27.)

Questions respecting vacancy to be heard and determined by Council itself. (Sec. 14.)

Members not to "act or vote" until they have taken and subscribed before the Governor or some person authorised by him (18 Vict. No. 17, Sec. 26) the Oath prescribed 33 Vict. No. 25.)

Penalty of £500, each offence, for "sitting or voting" unlawfully. (*Sec. 28.*)

Council to make Standing Rules and Orders, to be laid before the Governor, which being approved by him, to become binding and of force. (*Sec. 29.*)

Members to hold their seats for the period of six years from the date of their election, subject to provisions of *Constitution Act* as to vacation. (*23 Vict. No. 43, Sects. 1 and 4.*)

The competency of the Council to despatch business not to be affected by vacancies, provided that seven Members remain and are present. (*Sec. 2.*)

Provisions as to Election of Members. 21 Vict. No. 32, amended by 26 Vict. No. 14, 31 Vict. No. 32, and 34 Vict. No. 12—

Electors considering themselves aggrieved by decisions of Courts of Revision in regard to claims to have their own names inserted in Electoral List, or to objections to names of other Electors, may appeal to the Supreme Court (*21 Vict. No. 32; Sec. 39*), whose judgment or decision is final, and binding upon the Committee of Elections and Qualifications of the Council. (*Sec. 49.*)

The Ballot-papers with abstracts and copy of the Electoral Roll to be sealed up and transmitted by the Returning Officers to the Clerk of the Council, to be kept for five years, to be produced in evidence, if necessary, before the Committee of Elections and Qualifications. (*Sec. 82.*)

When a vacancy in the Council occurs simultaneously with a dissolution of the House of Assembly, the writ for the Council not to be issued until after the writs for the Assembly are returnable. (*Sec. 83.*)

Member before taking his seat to make and subscribe before the Governor or some person authorised by him, a Declaration upon honor, as to bribery or undue influence. (*Sec. 116 and Schedule.*)

Committee of Elections and Qualifications to be appointed in first Session of every Parliament, and within 7 days after the election of a President, by a majority of two-thirds of the Members then present; to consist of five Members. If whole number present not exactly divisible by three, majority to be "such number of such Members as

is next smaller than two-thirds." (Sec. 117.) On vacancies, Members to be elected as at first appointment, and questions of incapacity or disqualifications of Members to be judged of and determined exclusively by Council. No Member of Committee concerned actively or passively in disputed Election to attend meeting of Committee. (Sec. 119.)

Election of Committee to be recorded in proceedings; entry to be sufficient proof of Election of Committee. (Sec. 120.)

Before Committee proceeds to any business Members to make and subscribe, in the presence of the President, Declaration in prescribed form. (Sec. 121 and Schedule.)

Powers of Committee are - To enquire into and determine disputed returns of Members objected to on ground of not being qualified, of error in the return of Returning Officer, of bribery or corruption against any person concerned in the Election, or of any other cause affecting its validity, (Sec. 122); to regulate the form of its own proceedings; to adjourn its sittings from time to time, the interval not exceeding five days, and the proceedings not being extended beyond twenty-one days, (Sec. 123); to direct in writing through Chairman attendance of witnesses, to examine upon oath, to require production of papers, &c., to receive affidavits; disobedience of orders, when reasonable expenses have been paid or tendered, prevarication or other misbehaviour to be punished as misdemeanor; affidavits to be received only in case of sickness or old age. False evidence to be punished as perjury, (Sec. 127). If Committee does not pronounce a decision within 21 days Chairman to do so on such evidence as may be before the Committee: such decision, whether of Committee or of Chairman, to be final, without appeal. (Sec. 128).

Costs to be assessed by Committee, and to be recovered by the successful party by action of debt. (Sec. 124.)

Complaints of undue return to be made by petition: no petition to be taken cognizance of unless from candidate, from a number of electors who voted or were qualified to vote, being not less than one-tenth of the whole number on the Roll for the district, or from a Member; nor unless it be received within seven days after the return

of the writ, if the Council be then sitting, if not, then within seven days after the next sitting subsequent to the election. Petition to be referred to the Committee forthwith, or as soon as conveniently may be after election of Committee. (*Sec. 125.*)

Committee to be "guided by equity and good conscience, and the substantial justice of the case, without regard to legal forms and solemnities," and to receive or reject at its discretion any evidence that may be tendered, whether such as the law would require in other cases or not. On decision of Committee, if adverse to Member, Governor to issue new writ within 10 days after receipt from President of certificate of decision. (*Sec. 126.*)

Decision of Committee to be final, not cognizable by Supreme Court. (*Sec. 128.*)

Disposal of Acts. Acts to be transmitted, within seven days from date of Royal assent, to Supreme Court; reserved Acts, assented to by the Queen, to be transmitted by the Governor to the Supreme Court, within seven days after promulgation in the Colony of assent. (*21 Vict. No. 52.*)

Powers and Privileges of the Council, (*22 Vict. No. 17.*)—

Attendance of Witnesses. Council or Committee authorised to send for persons and papers, may order persons to attend and produce such papers, (*Sec. 1*): such order to be notified by summons signed by President or Chairman of Committee; summons to be served either personally or by leaving it with some person at usual or last known place of abode of person summoned. Member of either House may be ordered to attend without summons, in manner theretofore accustomed. (*Sec. 2.*)

Contempt. Council may punish summarily, as for contempt, "by imprisonment in such custody and in such place as it may direct, during the then existing Session, or any portion thereof," the following offences, whether committed by Member or any other person :—

- (1.) Not obeying order to attend or produce Papers before Council or Committee. Members disobeying such order to be liable to be punished, whether summoned, or ordered to attend

- without summons, in accordance with existing practice. (Sec. 4.)
- (2.) Refusing to be examined, or to answer questions.
 - (3.) Assaulting, menacing, obstructing, or insulting, Member coming to or going from the Council, or in the Council, or on account of his behaviour therein, or attempting by force, insult or menace, to influence Member, in regard to any matter pending.
 - (4.) Publishing or sending to Members insulting or threatening letters, or sending challenge on account of their behaviour in Parliament.
 - (5.) Offering bribes to Members.
 - (6.) Creating or joining in disturbance in Council or its immediate vicinity. (Sec. 3.) Persons so offending, during the actual sitting of the Council, may be apprehended without warrant, on verbal order of President, and kept in custody of Black Rod until warrant can be made out for imprisonment. (Sec. 6.) Warrant to state certain particulars, but no particular form necessary. (Sec. 7.)

For any of above Contempts, upon Resolution of Council, President may issue warrant under his hand for apprehension and imprisonment of offender adjudged guilty. (Sec. 5.)

Sheriff and Police to assist in execution of warrant or verbal order of President. (Sec. 8.) Doors may be broken open in daytime in executing warrant. (Sec. 9.)

No *Habeas Corpus*, nor action for arrest, trespass, or imprisonment. (Sec. 10.)

Council to have same power to direct Attorney-General to prosecute for offences cognizable by Supreme Court as is possessed by House of Commons: offender on conviction to be liable to imprisonment for period not exceeding two years, or to fine not exceeding £200, and imprisonment in default, or to both. (Sec. 11.)

Act not to affect any power or privilege possessed by Council before its passing. (Sec. 12.)

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